

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LINDA JANN LEWIS, MADISON LEE,
ELLEN SWEETS, BENNY ALEXANDER,
GEORGE MORGAN, VOTO LATINO,
TEXAS STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
and TEXAS ALLIANCE FOR RETIRED
AMERICANS,

Plaintiffs,

vs.

JOHN SCOTT, in his official capacity as
Texas Secretary of State,

Defendant.

Civil Action No. 5:20-cv-00577

Related to *Gloria et al. v. Hughs et al.*,
No. 5:20-cv-00527

JOINT STATUS REPORT

In accordance with the Court’s Order issued on June 17, 2022 (Dkt. No. 51), Plaintiffs Linda Jann Lewis, Madison Lee, Ellen Sweets, Benny Alexander, George Morgan, Voto Latino, Texas State Conference of The National Association for the Advancement of Colored People, and Texas Alliance For Retired Americans, and Defendant John Scott, in his official capacity as Texas Secretary of State, submit this Joint Status Report.

With the United States Court of Appeals for the Fifth Circuit’s issuance of its judgment and mandate remanding this matter “with instructions to dismiss Plaintiffs’ claims.” (Dkt. No. 50 at 8), there are no remaining issues to be addressed in this case.

Defendant’s Position

The Court’s June 17 order refers to a potential “entry of judgment” (Dkt. No. 51). Defendant respectfully suggests that the proper disposition is a final order of dismissal, not a final judgment. *See, e.g., Hotze v. Sebelius*, No. 4:13-cv-1318, ECF 38 (S.D. Tex. Aug. 26, 2015). Once

a court concludes it is “[w]ithout jurisdiction,” “the only function remaining to the court is that of announcing the fact and dismissing the cause.” *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1868). “[N]o judgment c[an] be rendered in a suit” when the court lacks jurisdiction. *Id.*; *see also Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998). Final judgment under Rule 58 is inapposite where a court lacks jurisdiction. *Williams v. Seidenbach*, 958 F.3d 341, 369 (5th Cir. 2020) (en banc) (Oldham, J., dissenting).

Dated: July 1, 2022.

Jointly submitted,

/s/ Sarah Schirack

Skyler M. Howton, TX# 24077907
PERKINS COIE LLP
500 North Akard St., Suite 3300
Dallas, TX 75201-3347
Telephone: (214) 965-7700
showton@perkinscoie.com

Kevin J. Hamilton*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
khamilton@perkinscoie.com

Sarah Schirack*
PERKINS COIE LLP
1029 W. 3rd Ave, Suite 300
Anchorage, AK 99517
sschirack@perkinscoie.com

/s/ Marc Elias

Marc E. Elias*
Aria C. Branch*
ELIAS LAW GROUP LLP
10 G St Ne, Suite 600
Washington, DC 20002
(202) 968-4490
melias@elias.law
abbranch@elias.law

William (Ben) Stafford
ELIAS LAW GROUP LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101-3099
(206) 656-0176
bstafford@elias.law

Attorneys for Plaintiffs

*Admitted pro hac vice

/s/ William T. Thompson

Patrick K. Sweeten
William T. Thompson
Michael R. Abrams
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-076)
Austin, Texas 78711-2548
Tel.: (512) 936-1414
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov
michael.abrams@oag.texas.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2022, I served a copy of the foregoing by electronic mail to all counsel of record as listed on the Service List below.

/s/ Sarah Schirack

SERVICE LIST

Skyler M. Howton, TX# 24077907
PERKINS COIE LLP
500 North Akard St., Suite 3300
Dallas, TX 75201-3347
Telephone: (214) 965-7700
showton@perkinscoie.com

Kevin J. Hamilton
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
khamilton@perkinscoie.com

Sarah Schirack
PERKINS COIE LLP
1029 W. 3rd Ave, Suite 300
Anchorage, AK 99517
sschirack@perkinscoie.com

Marc E. Elias
Aria C. Branch
ELIAS LAW GROUP LLP
10 G St Ne, Suite 600
Washington, DC 20002
melias@elias.law
abbranch@elias.law

William (Ben) Stafford
ELIAS LAW GROUP LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101-3099
bstafford@elias.law

Counsel for Plaintiffs

Patrick K. Sweeten
William T. Thompson
Michael R. Abrams
Office of the Attorney General
P.O. Box 12548 (MC-076)
Austin, Texas 78711-2548
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov
michael.abrams@oag.texas.gov

Counsel for Defendant